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3-11-3736
#9

RECEIVED
FEB 27 2003
TECHNOLOGY CENTER R3700

Applicant: Wayne E. Manska et al.
Application No. 09/775,038
Filed: 02/01/2001
For: Sexual Enhancement Device
Examiner: Nikita R Veniaminov
Art Unit 3736

Re: PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:


Applicant received from the Office a Notice of Abandonment for failure to timely file a reply to the "Office letter" (Notice of Insufficient Filing Fees) mailed March 13, 2002. Applicant contends that the Office has made an error and that Applicant did, in fact, respond on a timely basis. As verification Applicant attaches copies of:

1. Cover sheet for Notice of Abandonment showing mailing date of January 31, 2003.
2. Notice of Abandonment mailed January 31, 2003.
3. Cover sheet for Notice of Insufficient Filing Fees showing mailing date of March 13, 2002.
4. Notice of Insufficient Filing Fees ("Office Letter") duly executed by Applicant March 20, 2002.
5. Canceled check No. 8512 for forty dollars (\$40) dated March 20, 2002.
6. Certified-Mail receipt dated March 20, 2002.
7. Certified-Mail return postcard dated April 2, 2002.
8. A return, prepaid postcard from the Office stamped April 2, 2002, acknowledging receipt of items 4 and 5 above.

In accordance with the above and the attached evidential material, Applicant hereby requests that the Office withdraw the holding of Abandonment with respect to Applicant's Application.

Respectfully submitted,

Dated: FEBRUARY 14, 2003


Wayne E. Manska (Applicant)

Attachments

ENCL: A RETURN PREPAID POSTCARD ACKNOWLEDGING RECEIPT OF THE ABOVE IDENTIFIED MATERIAL.



UNITED STATES PATENT AND TRADEMARK OFFICE

ITEM # 1

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,038	02/01/2001	Wayne E. Maska		8337

7590 01/31/2003
WAYNE MANSKA
1921 KELLOGG DRIVE
ANAHEIM, CA 92807

EXAMINER

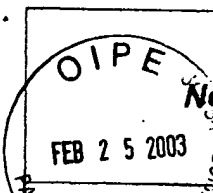
VENIAMINOV, NIKITA R

ART UNIT	PAPER NUMBER
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3736

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	09/775,038	MANSKA ET AL.	
	Examiner	Art Unit	
	Nikita R Veniaminov	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 13 March 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below.

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MAX F. HINDENBURG
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 3700

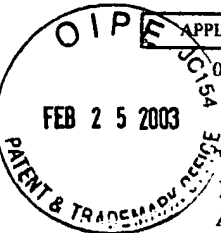
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

ITEM #3



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Washington, D.C. 20231
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,038	02/01/2001	Wayne E. Maska		8337

7590 03/13/2002
WAYNE MANSKA
1921 KELLOGG DRIVE
ANAHEIM, CA 92807

7036050210

EXAMINER

VENIAMINOV, NIKITA R

ART UNIT PAPER NUMBER

3736

DATE MAILED: 03/13/2002

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Patent and Trademark Office
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Washington, D.C. 20231

ITEM # 4

SEPT. NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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09/775,038 02/01/2001 WAYNE E. MANSKA

EXAMINER

ART. UNIT: PAPER NUMBER

DATE MAILED:

NOTICE OF INSUFFICIENT FILING FEES

APPLICANT IS GIVEN 30 DAYS FROM THE DATE OF MAILING OF THIS NOTICE WITHIN WHICH TO SUBMIT THE BALANCE DUE. Extension of this 30 day period under 37 CFR 1.136(a) will not be permitted. Failure to respond within this period will result in the application becoming abandoned. 35 U.S.C. 133.

The filing fees submitted in connection with this application are insufficient. See the attached Patent Application Fee Determination Record (Form PTO-875). The balance due for additional claims and/or multiple dependent claims is summarized below:

☒ A. Filing Fees due upon filing the application

Total Filing Fees Due	= \$	763
Less Filing Fees Submitted	= \$	723
BALANCE DUE	= \$	40

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☐ B. Fees due in connection with the amendment filed on _____

Total Fees Due	= \$	_____
Less Fees Submitted	= \$	_____
BALANCE DUE	= \$	_____

ATTACHMENT: FORM PTO-875

3736
Clerk of Group

APPLICANT: PLEASE COMPLETE THIS PORTION AND RETURN THIS NOTICE WITH PAYMENT

Fee submitted \$ 40.00

Signature Wayne Manka

CERTIFICATE OF MAILING

I hereby certify that this notice and the required additional fee are being deposited with the U.S. POSTAL SERVICE as first class mail in an envelope addressed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231, on (date) MARCH 20 2002

Print Name: WAYNE MANSKA

Signature: Wayne Manka

Applicant:	Wayne E. Manska et al.
Application No.	09/775,038
Filed:	02/01/2001
For:	Sexual Enhancement Device
Examiner:	Nikita R Veniaminov
Art Unit	3736

PHYLLIS MANSKA
 WAYNE MANSKA
 1921 N. KELLOGG DR. 714-970-0272
 ANAHEIM, CA 92807

16-244549
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 0607911542

8512

Date 3/20/02

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Memo ADDITIONAL FILING FEES Wayne Maska

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[illegible]

Applicant: Wayne E. Maska et al.
 Application No. 09/775,038
 Filed: 02/01/2001
 For: Sexual Enhancement Device
 Examiner: Nikita R Veniaminov
 Art Unit 3736

7001 2510 0000 7617 5392

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
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OFFICIAL USE WASHINGTON DC 20231	
Postage	\$ 40.34
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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If yes, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>COMMISSIONER OF PATENT & TRADEMARKS WASHINGTON, D.C. 20231</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p> <p>7001 2510 0000 7617 5392</p>	

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-0381

UNITED STATES POSTAL SERVICE

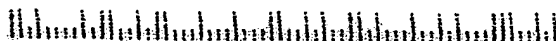


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• Sender: Please print your name, address, and ZIP+4 in this box •

W. MANSKA
 1921 KELLOGG DRIVE
 ANAHEIM, CA 92807

807+1237



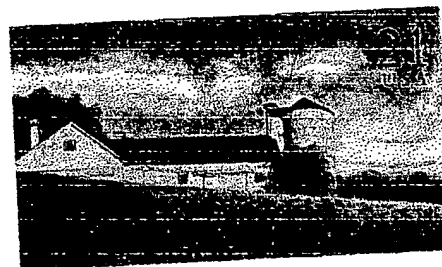
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Application No. 09/775,038
Filed: 02/01/2001
For: Sexual Enhancement Device
Examiner: Nikita R Veniaminov
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RECEIVED THE FOLLOWING ITEMS:

1. "NOTICE OF INSUFFICIENT FILING FEES"
2. CHECK #8512 FOR \$40.00



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WAYNE MANSKA
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